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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,760	06/23/2006	Onno Eerenberg	NL040027	1213

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
LEWIS, LISA C	

ART UNIT	PAPER NUMBER
2433	

MAIL DATE	DELIVERY MODE
07/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,760	EERENBERG ET AL.	
	Examiner	Art Unit	
	Lisa Lewis	2433	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-10 are presented for examination on the merits.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 8 and 9 and the intervening claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite the step of deliberately adding jitter. These methods are not tied to a particular machine and do not transform matter, and are therefore, non-statutory under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8 and 9 and the intervening claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The limitation 'whereby after the receipt of the data the jitter is removed' is rendered vague and indefinite. The step of receiving has not occurred, and therefore, this limitation as a whole lacks sufficient antecedent basis. Additionally, the term 'the jitter' lacks sufficient antecedent basis. This claim will be interpreted in this office action as 'A method of transmission of data, whereby the data is received by a receiver and jitter is removed, wherein upon transmission, jitter is deliberately added to the data.' Appropriate clarification is requested.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moscowitz et al. (US 2007/0110240) in view of Rodger et al. (US 7,388,937) – (has priority back to provisional application filed on 4/21/2003).

8. Regarding claim 1, Moscowitz et al. teach a transmission system (and method) comprising:

a. A transmitter – (a scrambler (i.e., a transmitter) – see abstract and [0017] - [0018], for example.

b. A receiver – (A descrambler receives the scrambled data) – see abstract and [0017] - [0018], for example.

c. A data network coupling the transmitter and receiver (The data is already scrambled when it is sent to the user, so clearly, the transmitter and receiver must be coupled to send the data to the user) – see abstract, [0017] - [0018], and [0069], for example.

d. Wherein the receiver (i.e., descrambling mechanism) descrambles to the extent of descrambling required for the requested quality – see [0017] and [0064], for example.

e. Wherein the transmitter (i.e., scrambling means) introduces scrambling into the data network.

9. Moscowitz et al. do not teach jitter means for introducing jitter into the data network or dejitter means that are controlled.

10. Rodger et al. teach that it is well known in the art to intentionally introduce jitter into data, for many purposes – see column 4 lines 58 – column 5 line 4, for example (corresponding to section 1.3.4 in provisional application).

11. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the teachings of Moscowitz et al. by providing jitter/dejittering means instead of scrambling/descrambling means, based on the beneficial teachings of Rodger et al., for the purpose of efficiency and adaptability.

12. Regarding claims 6 and 7, a transmitter and receiver for the system are taught, as discussed above.

13. Regarding claims 8 and 9, Moscowitz et al. teach a method of transmitting/receiving scrambled data, whereby after receipt of the data, the data is descrambled, wherein upon transmission the data is deliberately scrambled – see [0017], for example.

14. Rodger et al. teach that it is well known in the art to intentionally introduce jitter into data, for many purposes – see column 4 lines 58 – column 5 line 4, for example.

15. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the teachings of Moscowitz et al. by providing jitter/dejittering means instead of scrambling/descrambling means, based on the beneficial teachings of Rodger et al., for the purpose of efficiency and adaptability.

16. Regarding claims 2 and 3, Moskowitz et al. teach that the scrambling and descrambling are done on a step basis to a predetermined quality level - see abstract, for example.

17. Regarding claim 4, this limitation would be intrinsic to the system reasonably suggested by the cited references. That is, such a system would intrinsically and necessarily have some type of delay in processing (e.g., it would either be fixed or non-fixed).

18. Regarding claim 5, Moskowitz et al. teach that the system is a pay-per-view system – see [0077], for example.

19.

Regarding claim 10, Maskowitz et al. teach that the method includes embedding independent data, which may determine signal quality (i.e., amount of jitter). Although not expressly taught by Maskowitz et al., it would clearly have been obvious to the skilled artisan to allow the signal quality to be part of the embedded data, for the conventional purpose of reducing storage and overhead. The adjustment of this and/or other types of conventional working conditions is deemed merely a matter of judicious selection and routine optimization which is well within the purview of the skilled artisan having the cited references before him/her as a guide.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lewis whose telephone number is (571) 270-7724. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./
Examiner, Art Unit 2433

/Carl Colin/
Primary Examiner, Art Unit 2433